

EXHIBIT A

EXHIBIT A

DICKINSON WRIGHT PLLC

CALEB L. GREEN, ESQ.

Nevada Bar No. 15234

Email: CGreen@dickinson-wright.com

3883 Howard Hughes Parkway, Suite 800

Las Vegas, Nevada 89169-0965

Tel: 702-550-4400

Fax: 844-670-6009

STEVEN A. CALOJARO, ESQ.

Nevada Bar No. 12344

Email: SCalojarro@dickinson-wright.com

100 W. Liberty Street, Suite 940

Reno, Nevada 89501

Tel: 702-343-7506

Fax: 844-670-6009

Attorneys for Defendant

Ryan Hickman

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

YUGA LABS INC.

Plaintiff,

v.

RYAN HICKMAN

Defendant.

CASE No.: 2:23-cv-00111-JCM-NJK

**DECLARATION OF CALEB L. GREEN,
ESQ. IN SUPPORT OF DEFENDANT'S
EMERGENCY MOTION TO STAY
ENFORCEMENT OF DEFAULT
JUDGMENT**

I, Caleb L. Green, Esq., declare under penalty of perjury under the law of the United States of America and the State of Nevada that the following is true and correct:

1. I am an attorney with the law firm of Dickinson Wright PLLC, counsel for Defendant Ryan Hickman ("Defendant"), in the above captioned matter. I am duly licensed to practice before all courts in the State of Nevada, and I am competent to testify to the matters asserted herein, of which I have personal knowledge, except as to those matters stated upon information and belief. As to those matters stated upon information and belief, I believe them to be true. If called upon to testify as to the matters herein I could and would do so.

2. I make this declaration in support of *Defendant's Emergency Motion to Stay Enforcement of Default Judgment* (the "Emergency Motion").

**THE NATURE OF THE EMERGENCY & CERTIFYING STATEMENT
OF MEET-AND-CONFER ATTEMPTS**

3. On August 30, 2023, Hickman filed his Motion to Vacate and Set Aside Default Judgment ("Motion to Vacate"), which is currently pending before this Court. (ECF No. 31.)

4. On September 5, 2023, while the Motion to Vacate was still pending before this Court, Plaintiff's counsel informed me, via email that Plaintiff intended to seek to enforce the Judgment, which this Court entered on August 25, 2023. A correct and accurate copy of Email Correspondence with Plaintiff's Counsel on September 5, 2023 is attached hereto as **Exhibit 1**.

5. Specifically, Plaintiff's clearly informed me that Plaintiff intended to enforce the Judgment against Hickman, and stated the following:

"Separately, we have not heard from you regarding Mr. Hickman's payment of the Judgment. A Rule 60 motion does not does not affect the judgment's finality or suspend its operation. **If we do not hear from you by the end of the day regarding payment, we will proceed ahead with enforcing the Judgment against Mr. Hickman's assets.**"

See **Exhibit 1**.

6. I hereby certify that on September 5, 2023, in an attempt to resolve this matter without Court intervention, I sent correspondence to Plaintiff's counsel to inquire of the legal bases for their proposed enforcement efforts. Plaintiff's counsel ignored my email and efforts to meet-and-confer. See **Exhibit 1**.

7. On September 11, 2023, Plaintiff filed a Motion for Attorney's Fees in its enforcement efforts pursuant to the Judgment and Order for Permanent Injunction against Ryan Hickman ("Judgment") (ECF No. 30.)

8. I hereby certify that on September 14, 2023, in an attempt to resolve this matter without Court intervention, I attempted to contact Plaintiff's counsel to inquire of the legal bases for their proposed enforcement efforts, engage in discussion concerning a potential stipulation to

1 resolve our concerns regarding enforcement of the default judgment, and I circulated a draft
 2 stipulation to stay enforcement of the Judgment in its entirety. Plaintiff's counsel refused to enter
 3 into the stipulation. A correct and accurate copy of Email Correspondence with Plaintiff's Counsel
 4 on September 14, 2023 is attached hereto as **Exhibit 2**.

5 9. Importantly, Plaintiff's counsel also reinforced that Plaintiff was continuously
 6 seeking and intended to enforce the Judgment against Defendant. Namely, Plaintiff's counsel
 7 demanded the proposed stipulation require Defendant "agree to comply with the Court's
 8 injunction" as set forth in the Judgment, and expressly inquired of Defendant's efforts to "comply
 9 with the injunction against Mr. Hickman as required by Section 7 of the Court's Judgment...In
 10 particular, if Mr. Hickman has not destroyed his RR/BAYCs please explain why he is not in
 11 contempt." See **Exhibit 2**.

12 10. Accordingly, Plaintiff has forced our hand to file the instant Emergency Motion
 13 and seek emergency relief from the Court.

14 11. Currently, the Parties are in the middle of motion practice concerning the Motion
 15 to Vacate. To date, the Court has not scheduled a hearing date for the Motion to Vacate, nor has
 16 the Court resolved or addressed the Motion to Vacate. The Motion to Vacate is currently pending.

17 12. If the Court does not stay enforcement of the Judgment pending resolution of the
 18 Motion to Vacate, Defendant will be prejudiced by Plaintiff's premature enforcement of the
 19 Judgment before the Court can address the merits of the Motion to Vacate.

20 13. Despite our best efforts, we have been unable to resolve this matter without Court
 21 intervention.

22 **OFFICE ADDRESSES AND TELEPHONE NUMBERS OF MOVANT AND**
 23 **ALL AFFECTED PARTIES**

24 14. The office addresses and telephone numbers of movant and all affected parties are
 25 as follows:

26 **FENWICK & WEST LLP**
 27 Anthony Michael Fares
 Molly R. Melcher

555 California Street, 12th Floor
San Francisco, CA 94104
Tel: 415-875-2300

Eric James Ball
Kimberly Culp
801 California Street
Mountain View, CA 94041
Tel: 650-988-8500

FENNEMORE CRAIG, P.C.

John D. Tennert
MaryJo Smart
7800 Rancharrah Parkway
Reno, NV 89511

DICKINSON WRIGHT PLLC

Caleb L. Green, Esq.
3883 Howard Hughes Parkway, Suite 800
Las Vegas, Nevada 89169-0965
Tel: 702-550-4400

Steven A. Caloiaro, Esq.
100 W. Liberty Street, Suite 940
Reno, Nevada 89501
Tel: 702-343-7506

STATEMENT OF NOTIFICATION OF AFFECTED PERSON AND ENTITIES

15. I hereby certify that on the 14th day of September, 2023, I caused a copy of the Emergency Motion, to be served electronically to all parties of interest through the Court's CM/ECF system as follows:

FENWICK & WEST LLP

Anthony Michael Fares
Molly R. Melcher
555 California Street, 12th Floor
San Francisco, CA 94104
Tel: 415-875-2300
mmelcher@fenwick.com
afares@fenwick.com

Eric James Ball
Kimberly Culp
801 California Street
Mountain View, CA 94041
Tel: 650-988-8500
Eball@fenwick.com
kculp@fenwick.com

FENNEMORE CRAIG, P.C.

John D. Tennert

1 MaryJo Smart
2 7800 Rancharrah Parkway
3 Reno, NV 89511
4 eball@fennemorelaw.com
5 msmart@fennemorelaw.com

6 16. In addition to mailing the Emergency Motion and this declaration to Plaintiff's
7 counsel, my office will also email a copy of the Emergency Motion and this declaration to
8 Plaintiff's counsel upon filing.

9 DATE: 9/14/2023

10 /s/ Caleb L. Green, Esq.
11 **Caleb L. Green, Esq.**
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28